IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R.

THE STATE OF RAJASTHAN AND ANOTHER V. SMT.SILOCHANA DEVI AND ANOTHER.

S.B.CIVIL WRIT PETITION NO.4001/2004, under Article 226/227 of Constitution of India.

DATE OF ORDER: 8.8.05

PRESENT.

HON'BLE MR. JUSTICE R.P.VYAS

Mrs.Vidyawati Bora, Assistant Government Advocate, for Petitioners – State.

Mr.J.R.Beniwal) for Respondents.
Mr.Sunil Beniwal)

BY THE COURT:

REPORTABLE.

By this writ petition, the petitioners have prayed that the impugned award dated 16.1.2004 (Annexure 4), passed by the learned Permanent Lok Adalat , Churu may be quashed and set aside.

Brief facts giving rise to the instant petition are that Respondent No.1 – Smt.Silochana Devi submitted Petition No.96/2003 before the Permanent Lok Adalat, District – Churu that her husband – late Shri Ghasi Ram was a Class IV employee and was working in the Government Higher Secondary School, Jaipur. It was stated by her in the petition that late Shri Ghasi

Ram was a member of the Group Insurance Policy, which was sponsored by the Government of Rajasthan. Smt.Silochana Devi stated that her husband – late Shri Ghasi Ram died accidentally on 13.9.2001, while drawing water from the village well.

Smt.Silochana Devi – Respondent No.1 filed an insurance claim of Rs.2,00,000/- before the State of Rajasthan. The claim was rejected on the ground that late Shri Ghasi Ram did not die accidentally, it was a case of suicide, therfore, her claim is not maintainable under the Accidental Insurance Policy.

Respondent No.1 – Smt.Silochana Devi claimed that the death of her husband – late Shri Ghasi Ram occurred due to accident and, therefore, she is eligible for insurance claim. She also claimed Rs.5,000/- as compensation.

The petitioner – State of Rajasthan filed reply before the learned Permanent Lok Adalat, Churu and stated that late Shri Ghasi Ram – the husband of respondent No.1 – Smt.Silochana Devi has committed suicide. It was also stated that Shri Satbeer Singh, who is brother of late Shri Ghasi Ram and who lodged the FIR, has stated that late Shri Ghasi Ram committed suicide, as he was not transferred to his place of choice. It was also stated in the reply filed by the State of Rajasthan that the Director, State Insurance and GPF Department, who is a necessary party, has not be made party and, therefore, the claim of Smt.Silochana Devi is not maintainable. The Group Insurance

claims are sanctioned when the cause of death is accident and not suicide.

After hearing both the parties, the lerned Permanent Lok Adalat passed the following order :-

"That the claim of Smt. Silochana Devi is accepted and the respondents/petitioners are ordered to pay Rs.2,00,000/- to Smt.Silochana Devi alongwith 6% interest from 13.1.2001. In the event of non-payment by the respondent-petitioners within a period of one month from the date of the order (16.1.2004), the applicant will be entitled to get interest at the rate of 9% per annum."

Being aggrieved by the award dated 16.1.2004 (Annexure 4), passed by the learned Lok Adalat, the petitioners – the State of Rajasthan and State Insurance & GPF Department, Government of Rajasthan, Jaipur has preferred the instant petition.

While reiterating the aforesaid facts, the learned counsel for the petitioners has invited my attention to Rule 8 (1) of the Directory of Group Insurance Accident Scheme, in which it is stated that in the event of death by suicide or attempt to commit suicide, the benefits of Policy will not be payable. Apart from that, it is submitted that it is a case of suicide as Shri Satbeer Singh, brother of late Shri Ghasi Ram, who lodged the FIR, has specifically stated that his borther has committed suicide by drowning in the well. It is further submitted that the Group

Insurance Scheme is run by the Director, State Insurance & GPF Department, Jaipur, but he has not been made party in the claim before the Permanent Lok Adalat, therefore, the claim of respondent should be rejected. It is also submitted that the police, after investigation, has also given a final report under Section 174, Cr.P.C.,that the deceased has died by suddenly falling and drowning in the well.

In support of her contentions, learnned counsel for the petitioners has has relied on the cases of Rattan Chand and Other v. Bhakhra Beas Management Board & Another (2003 (2) SCT 893), in which it was held that the award of the Lok Adalat is made on a settlement and cannot be treated as a precedent. Learned counsel for the petitioners also relied on the case of Anita Chauhan v. State of Haryana (2002 (4) STC 575) and submitted that the jurisdiction of the Lok Adalat is limited to conciliation and not to decide the cases by final adjudication of issues. The Lok Adalats are the creation of the Statute, namely, Legal Service Authorities Act, 1987. They derive their existence, constitution and power from the aforesaid Statute. Thus, the entire jurisdiction and power of the Lok Adalats would follow from the aforesaid Statute and from nowhere else. In support of her contentions, the learned counsel for the petitioners submitted that the exercise of jurisdiction without any consent by the Lok Adalat in passing the impugned award was without jurisdiction, and, therefore, the impugned award is liable to be

set aside. It may be mentioned that the case of Anita Chauhan (Supra), relied on by the learned counsel for the petitioners, was referred to the Lok Adalat by the order of the Court under Sections 19 to 21 of the Act, whereas, in the instatnt case, the application was made by the applicant herself directly under sub-section (1) of Section 22-C of the Act to the Permanent Lok Adalat, for adjudicationof the dispute. Then, the matter was adjudicated by the Permanent Lok Adalat and the impugned award was passed. Therefore, the authorities relied on by the learned counsel for the petitioners are distinguishable to the instant case and are not applicable to the facts and circumstances of the present case.

On the other hand, it is submitted by the learned counsel for the respondents that late Shri Ghasi Ram was a Government servant and was a member of Group Insurance Scheme and as per the Scheme, if any policy holdier dies due to accident, then the depednents will be entitled to receive a sum of Rs.2,00,000/-. So the death of Late Shri Ghasi Ram has occurred on account of accident. This fact has been affirmed by the police report as well as from the statements recorded by the police from various persons while investigating the case.

It is further submitted by the learned counsel for the respondents that it is true that the FIR was lodged by Shri Satbeer Singh - the brother of late Shri Ghasi Ram and in the

FIR, it was stated that Late Shri Ghasi Ram has committed suicide, but, in this regard, is it is submitted that Late Shri Ghasi Ram and his brother Shir Satbeer Singh were not on speaking terms and on account of that, a false FIR has been lodged by his real brother, just to forfeit the rightful claim of the respondent.

It is also submitted by the learned counsel for the respondents that sofar as the contention of the petitioners that the Director, State Insurance and GPF Department was not made a party in the claim petition before the Permanent Lok Adalat, is concerned, in this regard, it is submitted that that State Insurance and Provident Funds Department (General Insurance Funds) through Additional Director was already a party – respondent before the Permanent Lok Adalat and the representative of the State Government – the District Collector, Churu was also a party before the Permanent Lok Adalat, therefore, the rightful claim of the respondent ought not to have been denied on this technical ground.

It is argued by the learned counsel for the respondents that the Police have investigated the entire matter and after recording the statements of various persons, have given a specific finding that the death of Late Shri Ghasi Ram has occurred due to an accident, which took place on 13.9.2001, while he was drawing water from the village well. In this view of the matter, the claim of respondent has rightly been accepted by the Permanent Lok Adalat and no illegality has been committed

by it while passing the award dated 16.1.2004 (Annexure 4).

Learned counsel for the respondents submitted that Chapter VIA of the Legal Services Authority Act, 1987 (for short, 'the Act of 1987') deals with the pre-litigation conciliation and settlement, which provides for establishment of Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified by the State Authority by means of a notification. Section 22-B provides for establishment of permanent Lok Adalats. Section 22-C lays down the procedure for cognizance of cases by Permanent Lok Adalat. Learned counsel for the respondents has invited the attention of the Court to sub-sections (2), (7) and (8) of Section 22C of the Act, 1987, which read as under :-

> "S.22-C. Cognizance of cases by Permanent Lok Adalat -
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> (2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.
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> (7)Wherin a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach an agreement on the settlement of the dispute, they shall sign the settlement agreement and the

Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

(8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relat to any offence, decide the dispute."

Thus, so far as the dispute of adjudication and passing of the impugned award by the Permanent Lok Adalat is concerned, it is clearly mentioned in sub-section (8) of Section 22-C that where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute. Similarly, according to sub-sub-section (2), when an application with regard to the settlement of the dispute has been made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke the jurisdiction of any Court in the same dispute. In this view of the matter, the Permanent Lok Adalat was competent to adjudicat the dispute and pass the impugned award.

In support of his contentions, learned counsel for the respondents has relied on the case of Life Insurance Corporation of India v. State of Rajasthan & Others (2005 (2) WLC (Raj.) 123), in which a Division Bench of this Court with regard of Section 22-C of the Act, 1987 has held that the Lok Adalat can pass its award to decide dispute even without a compromise

having been arrived at between the parties. Thus, in this view of the matter, the contention of the learned counsel for the petitioners that the Permanent Lok Adalat was not competent to adjudicate the dispute and pass the impugned award, is not sustainable.

Heard learned counsel for the parties.

It is admitted fact that Late Shri Ghasi Ram was a Government servant. He was also a member of the Group Insurance Scheme of the State Government. It is also admitted fact that he died on account of accidental death, which occurred due to his sudden drowning in the village well. This fact has been affirmed by the police report as well as from the statements recorded by the police during the course of investigation. It is also admitted fact that relations between the deceased Late Shri Ghasi Ram and his Shri Satbeer Singh were not cordial. Even they were not on speaking terms. Thus, on account of false report of committing suicide by Shri Ghasi Ram, lodged by his brother - Shri Satbeer Singh, the rightful claim of respondent No.1 – Smt.Silochana Devi (widow of the deceased) cannot be denied. It is admitted postion that the State Insurance and G.P.F. Department (General Insurance Fund) through Additional Director, Vitt Bhavan, 'A' Block, Jyotinagar, Jaipur was made non-applicant (Respondent No.1) before the Permanent Lok Adalat, Churu. Apart from that, the learned Permanent Lok Adalat has considered all the material available

on record and after taking into consideration all the necessary facts and relevant material, which were placed before it and after hearing both the parties, and after subjective satisfaction with all objective considerations, the impugned award dated 16.1.2004 (Annexure 4) has rightly been passed in favour of respondent No.1 – Smt.Silochana Devi.

Taking an overall view of the matter and taking into consideration all the facts and circumstances of case mentioned above, I am of the opinion that the award dated 16.1.2004 (Annexure 4), passed by the learned Permanent Lok Adalat does not suffer from any illegality or material irregularity. The impugned award is just and proper. It does not call for any intereference.

In the result, I do not find any force in the instant petition. The same is, therefore, dismissed. There will be no order as to costs.

(R.P.VYAS), J.

scd.